

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 97-3555

United States of America,

Appellee,

v.

Donald E. Wiggins,

Appellant.

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* Appeal from the United States

* District Court for the

* Western District of Missouri.

* [UNPUBLISHED]

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Submitted: May 7, 1998

Filed: May 12, 1998

Before WOLLMAN, BEAM, and HANSEN, Circuit Judges.

PER CURIAM.

In 1993, Donald E. Wiggins was sentenced to 48 months' imprisonment and three years' supervised release after he pleaded guilty to bank robbery, in violation of 18 U.S.C. § 2113(a). After Wiggins violated several conditions of his supervised release, the district court¹ revoked it and sentenced him to 12 months' and one day

¹The Honorable Nanette K. Laughrey, United States District Judge for the Western District of Missouri.

imprisonment and 24 months' supervised release. Wiggins appeals, arguing that his revocation sentence was imposed in violation of the Ex Post Facto Clause.

That argument is foreclosed by our decision in United States v. St. John, 92 F.3d 761,765-67 (8th Cir. 1996) (holding application of 1994 statute expressly providing for supervised release following revocation of supervised release that was imposed prior to 1994 did not violate Ex Post Facto Clause; prior to new law, this circuit interpreted law to allow imposition of both imprisonment and supervised release upon revocation, and thus "maximum period of time that a defendant's freedom can be restrained . . . under the new law is either the same as, or possibly less than, under the prior law").

The judgment is affirmed.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.